



## CITY OF BEND

SIXTH AMENDMENT OF ADMINISTRATIVE ORDER DATED MARCH 16, 2020 AND  
EXTENSION OF ORDER, EFFECTIVE FROM MARCH 18, 2021 THROUGH JUNE 30,  
2021, of the City Manager of the City of Bend, Oregon

### **DECLARING A LOCAL STATE OF EMERGENCY IN THE CITY OF BEND AS A RESULT OF COVID-19 PANDEMIC**

The City Manager of the City of Bend finds that:

A. The United States and the entire world have been in a public health crisis for over a year. On March 11, 2020, the World Health Organization declared COVID-19 (novel coronavirus<sup>1</sup>) a pandemic, predicting that the virus would likely spread to countries all around the world, which has occurred.

B. On March 13, 2020, the President of the United States declared the COVID-19 outbreak a national emergency. On March 8, 2020, Governor Kate Brown declared a state of emergency due to the COVID-19 outbreak in Oregon (Executive Order No. 20-03), finding that COVID-19 created a threat to public health and safety, and constitutes a statewide emergency under ORS 401.025(1).

C. On March 23, 2020, Governor Brown issued Executive Order 20-12, the Stay Home, Save Lives Order, ordering Oregonians to stay at home, closing specified retail businesses, requiring social distancing of at least six feet for any person not an immediate family member when individuals need to leave their homes, adding restrictions for other public and private facilities, closing state government buildings, imposing requirements for outdoor recreation, travel and licensed childcare facilities, and including enforcement provisions. On April 7, 2020, the Governor issued an Executive Order extending school closures through the end of the 2020 school year.

D. On April 15, 2020, by Executive Order 20-16, the Governor ordered measures to ensure safe public meetings and continued operations by local governments during the COVID-19 outbreak, including provisions for electronic or virtual public meetings (as defined by the Oregon Public Meetings Act). Executive Order 20-16 also addressed

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<sup>1</sup>Coronaviruses are a group of viruses that can cause respiratory disease, with the potential to cause serious illness or loss of life. The elderly and people of all ages who have underlying health conditions are most at risk from COVID-19.

submitting public comments by written testimony, and satisfying meeting requirements under state law for local budget meetings during the COVID-19 emergency period.

E. On May 14, 2020, the Governor replaced the Stay Home, Save Lives Order, with a phased, regionally tailored framework for reopening the state (Executive Order 20-25), which kept in place a majority of the restrictions set forth in the Stay Home, Save Lives Order, but relaxed the restrictions on local gatherings and allowed certain business sectors to reopen in counties that met reopening criteria.

F. Consistent with revised state orders, on May 14, 2020, the Governor approved 31 counties, including Deschutes County (Region 7), to enter Phase 1 of Reopening for the identified businesses, subject to Oregon Health Authority (OHA) Guidance and Executive Order 20-25.

G. On June 5, 2020, the Governor replaced Executive Order 20-25 with Executive Order 20-27 (EO 20-27), which set forth baseline requirements to apply statewide for a phased reopening, including a phased, data-driven and regionally tailored approach. Phase 2 allowed indoor gatherings of up to 50 people, and 100 people outdoors, with six feet of physical distancing and other measures in place. Offices began reopening, and increased travel was allowed throughout Oregon, though staying local was still recommended. Restaurants and bars were allowed to resume on-premises service and to remain open until midnight. EO 20-27 also provided that OHA would issue guidance documents with the Governor's direction or approval, and that such guidance is enforceable under ORS 431A.005 and ORS 401.990, in addition to any other penalty that may be imposed under applicable laws.

H. Deschutes County applied for and was approved for Phase 2 reopening on June 6, 2020.

I. As of March 2021, the Governor has extended EO 20-03 and the COVID-19 state of emergency six times, each time finding that the virus continued to threaten public health and safety. On June 30, 2020, EO 20-30 extended the state of emergency through September 4, 2020; on September 1, 2020, EO 20-38 extended the state of emergency through November 3, 2020; on October 27, 2020, EO 20-59 extended the state of emergency through January 2, 2021; on December 17, 2020, EO 20-67 extended the state of emergency through March 3, 2021; and on February 25, 2021, EO 21-05 extended the emergency through May 2, 2021.

J. On December 2, 2020, Governor Brown issued EO 20-66, superseding EO 20-27 and 20-65. EO 20-66 outlines a new Risk and Safety Framework for the state of Oregon, and is effective until terminated. The Governor stated that the reopening of Oregon has by design been gradual and cautious, not linear. While Oregon has fared better than many other states in case numbers and fatality rates, the pandemic remained very dangerous. Under the new guidelines, OHA was directed to develop risk level metrics, to identify on a county-by-county basis, when counties are experiencing "Lower Risk", "Moderate Risk", "High Risk" and "Extreme Risk" (collectively "Risk

Levels”). OHA examines public county data weekly, and reassigns county risk levels every two weeks.

K. After a statewide two-week freeze in November 2020 due to an alarming rise in case numbers, which included limiting restaurants and bars to take-out only, shutting gyms, bars, and outdoor recreational facilities, and restricting social gatherings, Deschutes County was initially in the “Extreme Risk” category. OHA risk levels are based on the OHA criteria of case count per 100,000 and test positivity rate. In the Extreme Risk category, gatherings are limited to six people from no more than two households, indoor dining is not allowed, gyms are closed, and stores can remain open at 50% capacity.

L. Deschutes County remained in the extreme risk level until it moved into the “High Risk” category on February 12, 2021. On March 12, 2021, Deschutes County moved into the “Moderate Risk” category, further easing capacity and other restrictions under the OHA risk category metrics.

M. As of March 15, 2021, per the Centers for Disease Control and Prevention (CDC), the confirmed cases in the United States have risen to 29,269,590 total cases, with 532,355 total deaths.<sup>2</sup>

N. In the meantime, the vaccine rollout has begun. Safe and effective vaccines are the key to achieving community immunity from COVID-19 and making that return to normalcy a reality. Distribution efforts with several types of vaccines have taken time, but are taking place across the country.<sup>3</sup> As of March 15, 2021, more than 109 million doses have been administered, reaching 21.4% of the total U.S. population. The U.S. is currently administering over 2.3 million shots per day.<sup>4</sup> Vaccine distribution began in the U.S. on December 14, 2020.

O. In Oregon, as of March 15, 2021, 865,800 people have received at least one dose of the vaccine—20.6% of the population—and 11.8% are fully vaccinated. The mission to vaccinate a high percentage of the population has become more urgent as coronavirus variants emerge around the world, raising concerns that the virus could evade our efforts to control it unless the spread is curbed quickly.<sup>5</sup>

P. On December 23, 2020, the Governor announced that starting the first of the year, the Governor’s instructions for returning to school would be “advisory” rather than mandatory, thus easing statewide restrictions placed on school districts with the goal of seeing more students return to in-person instruction by February.<sup>6</sup> In addition, the originally imposed capacity limits surrounding religious and faith-based gatherings were

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<sup>2</sup> <https://covid.cdc.gov/covid-data-tracker/#datatracker-home>

<sup>3</sup> <https://covidvaccine.oregon.gov/>

<sup>4</sup> <https://www.npr.org/sections/health-shots/2021/01/28/960901166/how-is-the-covid-19-vaccination-campaign-going-in-your-state>

<sup>5</sup> Id.; <https://public.tableau.com/profile/oregon.health.authority.covid.19#!/vizhome/OregonCOVID-19VaccinationTrends/OregonStatewideVaccinationTrends>

<sup>6</sup> <https://drive.google.com/file/d/1Clc2zKOLFvRcRcHRDBKGO0Z6f0y5L5ra/view>

lifted and changed to be guidelines instead.<sup>7</sup> Then, as teachers were prioritized for vaccination, on March 5, 2021, the Governor directed all public schools to reopen for in-person instruction by March 29 (K-5) or April 19 (grades 6-12) on either a fully on-site or hybrid instructional model while following mandatory health and safety guidance.<sup>8</sup> (See *a/so*, EO 21-06, Ordering Public Schools to Offer Fully On-Site or Hybrid In-Person Instruction, Requiring all Schools to Comply with Health and Safety Protocols to Control COVID-19).

Q. The presence of COVID-19 in Deschutes County and throughout the state of Oregon, as well as the concern with emerging variants, continues to make following OHA and CDC guidance of critical importance, particularly related to mask wearing and physical distancing, and even as more groups are eligible for vaccination and vaccine supply increases. Public health officials advise that we continue to work together to contain the virus while the vaccine plan is being rolled out and until we have enough vaccine available to immunize everyone and achieve community immunity.

R. Fortunately, as we move toward reopening and continued vaccination of the local and visiting population, we can begin to slowly lessen the restrictions needed during the height of the emergency. The public health risk remains, as does the significant impact on businesses and individual community members from the pandemic, so the ability to use the City's emergency authority remains critical to respond to and recover from the pandemic.

S. Pursuant to ORS 401.309(1), the governing body of a city may declare by ordinance or resolution that a state of emergency exists within the city, which ordinance/resolution may establish procedures to prepare for and carry out activity to prevent, minimize, respond to or recover from an emergency. The Bend Municipal Code (BMC) establishes the procedures for declaring a state of emergency by the City Manager, with ratification by the City Council, and the types of actions that can be taken.

T. Pursuant to BMC Chapter 1.60, if the City Manager determines that a state of emergency exists, the City may declare a state of emergency when "the health, safety or welfare of the City" is "threatened by a potential or actual natural disaster, accident, act of war or terrorism, disease, or other event or ongoing occurrence that results in an immediate and substantial threat to life, health or property." BMC Section 1.60.010 sets out the actions the City can take, which include the ability to close or limit access to public places, other actions, and also broad authorization: "Any other action for the protection of safety, health, life or property."

U. I have been in regular contact with local agency leaders and public health experts, including the Deschutes County Health Services Director for countywide information and updates, as well as the regional representative for the Governor's office. The City has been closely monitoring updated information for the state through

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<sup>7</sup> <https://sharedsystems.dhsoha.state.or.us/DHSForms/Served/le3461.pdf>

<sup>8</sup> [file:///C:/Users/legmwi/Downloads/03.05.21\\_Governor%20Brown%20Schools%20Letter\\_final.pdf](file:///C:/Users/legmwi/Downloads/03.05.21_Governor%20Brown%20Schools%20Letter_final.pdf)

OHA and CDC for U.S. updates. The City has followed closely the various federal legislation related to funding for COVID related relief for local businesses, individuals and government services. Our primary focus is to restrict the spread of COVID-19 and to maintain the health of our workforce and the community so the City can continue to provide crucial City services. The COVID-19 pandemic has and will continue to create significant financial and other impacts to the community.

V. On March 16, 2020, I issued an Administrative Order Declaring a Local State of Emergency in the City of Bend (Emergency Order), which was ratified by the City Council on March 18, 2020, and submitted to the Emergency Manager of Deschutes County for County Commissioner approval, pursuant to BMC 1.60.015. As provided in the Emergency Order, the City Manager has the authority to extend the Declaration of Local State of Emergency, to be ratified by Council at subsequent regularly scheduled Council meetings. On April 9, 2020, I extended the Emergency Order through May 6, 2020, which the City Council ratified on April 15, 2020 (First Extension). On May 5, 2020, I extended the Emergency Order through May 20, 2020, which the City Council ratified on May 6, 2020 (Second Extension). On May 19, 2020, I extended the Emergency Order through Phase 2 of the reopening, which the City Council ratified on May 20, 2020 (Third Extension). On November 6, 2020, I extended the Emergency Order through Phase 2, which updated and incorporated more recent state (Governor and OHA) orders and guidance, which Council ratified on November 18, 2020 (Fourth Extension). On January 13, 2021, I extended the Emergency Order to update with the EO-20-66 risk framework, effective through March 21, 2021, which Council ratified on January 13, 2021 (Fifth Extension). On March 19, 2021, I again updated and extended the Emergency Order--this Sixth Extension remains in effect through June 30, 2021, and may be renewed, modified, extended or rescinded. The next scheduled council meeting for Council to ratify is April 7, 2021.

W. In addition to the direct health effects of COVID-19, the steps taken to respond to and fight the virus's spread have resulted in short and long term impacts to global, national, state, and local economies. The economic downturn is being felt in numerous ways—high unemployment, decreased investment and consumer spending, disruption of supply chains, market disruption, etc. Many households and businesses have or will undergo an economic crisis of unprecedented speed and force. The previously strong Oregon economy is in a state of flux and uncertainty. In Bend, with the reliance on tourism and the service and recreation sectors, there is a potential for an extended negative local economic impact on individuals and businesses.

X. While state and federal relief packages will help local governments and communities, the recovery will still take time. Even as we move into a lower risk level and start to recover from the pandemic, we want to do so in a coordinated and efficient way that is able to respond to changing circumstances and OHA guidance, until the community is widely vaccinated and the statewide orders are no longer needed.

Y. At this time and under these circumstances, I find that the continuation of the Emergency Order remains in the best public health and safety interests of the Bend community and is consistent with the direction from OHA, the Governor's Office, and

ongoing information from the CDC and other public health and medical authorities. I have made reasonable efforts to inform the City Council of a need to extend the state of emergency.

Now, therefore, based on the above findings, THE CITY MANAGER OF THE CITY OF BEND ORDERS THAT:

1. A Local State of Emergency as a result of the COVID-19 pandemic is declared to continue to exist throughout the city of Bend.
2. This Sixth Extension of the Declaration of Local State of Emergency is effective immediately and will remain in effect from the date of signing on March 19, 2021 (subject to Council ratification on April 7, 2021), through June 30, 2021, unless further extended by the City Manager and ratified by Council, or unless terminated because the Oregon Governor has terminated the state of emergency adopted by orders pursuant to ORS 401.165 et seq., 401.192, 433.441, and enforced and implemented as public health laws under ORS 431A.005 et seq. and 401.990. The City Manager will review the status of the actions being taken under this Emergency Order with the City Council on a monthly basis, as needed for the specific actions, either at a work session or the regular Council meeting, to determine if any actions taken under this Order should be reconsidered, revised or added to, and the Order amended and re-ratified by Council.
3. This Declaration may be modified as needed so long as COVID-19 continues to pose an ongoing, immediate, and substantial threat to life, safety, health, or property in the City of Bend. The City will look to national, state and county public health orders and recommendations for the authority underlying this Order and in determining the necessity for further extension(s).<sup>9</sup>
4. Actions that will continue during the Emergency but cease after the Emergency Order is lifted.
  - i. *City Employees.* To protect the health and safety of City employees, with input from the City Human Resource Department, IT, Legal, and other City department heads, the City Manager has and will continue to develop emergency policies and guidance on the use of sick leave, vacation leave, telecommuting, meeting protocol, physical distancing (also called social distancing), identification of essential and non-essential staff for ongoing presence at City facilities, and other policies that will be in effect for the duration of the emergency.
  - ii. *Reopening of Facilities.* On March 1, 2021, the City began and will continue with a limited reopening for in-person services at public facilities, which

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<sup>9</sup> This Order references Oregon State emergency orders and OHA guidance issued as of the date of this updated order. In addition to the authority under local code, this Order is based on the guidance and State public health emergency reopening and public health directives in those emergency orders and any subsequently updated, extended or amended orders from the Governor or OHA.

includes restricted access and limited interaction with city staff, always seeking to preserve the continuation essential public services.

iii. *Public Meetings and Municipal Court.* To reduce exposure and slow the spread of the COVID-19 outbreak while ensuring continued operations of local government, and in support of state and federal guidelines for physical distancing, the City has been conducting public meetings through virtual web-based platforms or other remote mechanisms. The public is able to livestream some meetings from links on the City's website, and listen to some meetings via phone. The City will provide members of the public with the ability to submit written comments or testimony by email or other electronic means, which the governing body holding the meeting will consider in a timely manner. The City continues to work on the technical ability to have verbal testimony for City Council and other advisory board meetings. The intent is for public meetings to continue to be transparent, conduct City business, and comply with City code, the Oregon Public Meetings Law, and land use hearings regulations.

- Council meetings. While in the Extreme or High Risk categories, the City will continue to hold only limited in-person Council or sub-committee in Council Chambers or in another public space with mask wearing, physical distancing and other safety protocols in place. In-person or hybrid meetings may begin to be scheduled as the City moves into the Moderate and Lower risk categories, again with all safety protocols in place, and public participation limited to virtual testimony, email or other electronic means. In assessing whether to hold in-person public meetings, the City Manager and Mayor will assess, consulting with the Council whenever feasible, the public health and safety issues and the City's ability to safely comply with the OHA guidance depending on the Risk Level Metric applicable to Deschutes County as well as the status of the vaccination program.
- Commission, board, committee meetings. City meetings, such as planning commission, project-based and other standing committee, board or commission meetings, will continue to be scheduled via a web-based platform.
- For all public meetings, there may be a continued need for meeting modifications for staff and public official safety, such as reducing meeting length time, modified placement of agenda items, etc.
- For Council, committee, board and commission public meetings, the Mayor and City Manager will continue to monitor and consider state and local public health recommendations carefully in determining whether to hold virtual, or in extreme circumstances, cancel or continue future public meetings, during any COVID-19 resurgence during these reopening phases.
- Web-based public hearings necessary to meet state-mandated land use review timelines may be held with modifications for public and staff safety. Planning and legal staff have developed interim procedures consistent with local and state law to be used during this emergency period.

- Municipal Court has resumed in-person hearings with COVID-19 risk mitigation measures in place to ensure the health and safety of staff and the general public.

i. *Shut-off Notices and Collection Efforts on Delinquent Accounts.* The City has not sent shut-off notices or shut off water for non-payment of unpaid water bills while this Emergency Declaration, including amendments, has been in effect. With the exception of Municipal Court operations, the City has also ceased active collection efforts, has not assessed penalties or late fees for non-payment, and has not sent delinquent accounts to the external collection agency. As the City moves into the moderate and lower risk categories, the City will begin to proactively communicate with customers who are delinquent on their City payments, including utility bills, to let them know that collection efforts will be resuming in the coming months. As part of this proactive communication, customers will be notified of their delinquent balances, and encouraged to contact the City to discuss payment options before late fees, penalties, or interest are assessed, accounts are turned over to the external collection agency, or water shut off notices are resumed. The City reserves the right to decide whether and when it may be necessary to continue the emergency suspension of its code, and/or institute a process for evaluating pandemic-related financial need.

ii. *Enforcement.* The City may suspend enforcement of other utility billing and finance department rules, regulations and code provisions in the City's discretion.

iii. *Temporary Utility Assistance Program.* The City may create a temporary utility assistance program to provide bill assistance to residential water, sewer, and stormwater customers who are suffering financial hardship as a result of COVID-19. The program may be funded with available state or federal utility relief funds, monies donated to the City or Neighbor Impact for the purpose of providing residential utility assistance, and City utility funds in an amount not to exceed \$25,000, subject to ratification by Council. The program will be administered in partnership with Neighbor Impact, which together with the City will establish eligibility criteria, amounts available, and other program requirements. This emergency utility assistance program is intended to be temporary and will remain in effect only while the emergency continues to exist, however any funds allocated prior to the expiration of the emergency may be expended after the expiration of this order, as may be extended.

iv. *Land Use Permitting.* The City may adjust land use permitting or processes (as legally allowed) during this emergency. Adjusted land use processes will be communicated to applicants, any person(s) for whom notice is required, and generally to the public as much as possible. Altered structures/uses may be required to be restored to their original configuration once this emergency is over.

v. *Business Recovery Fund.* The City may set up a Business Recovery Fund, with eligibility criteria, for loss of income due to COVID-19, available to all businesses based in Bend; federal regulations require that businesses provide proof of loss of revenue due to a destabilizing event. Subject to City Council approval, the program will establish the eligibility criteria, amounts available, and what the grant can



be used for (generally operating expenses).

vi. *Business Utility Aid Program.* Due to the unprecedented economic consequences, state of uncertainty and economic strain on local businesses due to the pandemic, the City has established a crisis assistance program for businesses for water and sewer bill relief, with eligibility criteria, the amounts available, and its administration procedures, which has been approved by the City Council.

vii. *Special Events.* The City issues special event permits for gatherings of more than 150 persons on City property or right-of-way. BMC Chapter 7.40. The City has been allowing special events for farmer's markets on public property (exempt from the Governor's Order as an essential business, with guidelines and restrictions), but not other special events due to the risk category and the former reopening phasing guidelines. Special events will start to be allowed, subject to the limits for Outdoor Entertainment Establishments/Recreations and Fitness Establishments, or other appropriate activity category, for the relevant Sector Level Risk Guidance Chart that Deschutes County is in at the time of the event. Based on discussions with the Governor's office (which will be ongoing with City staff and the Governor's office as needed), the following applies to different types of events while statewide restrictions and OHA Guidance are in place:

- For sporting and other events that can be held in waves or stages, the City will permit events that meet the applicable OHA Guidance, as interpreted by OHA which may include limits on numbers of participants, providing adequate time between the waves, no co-mingling of waves, and other safety protocols related to start/end numbers, spectators, and masking.
- For large outdoor events with separate venues (such as events like Summer Fest with beer gardens, music/band sites, etc.), the maximum number or limits for the risk category applies to each individual venue site, and the event organizer will be responsible for ensuring that each individual venue site is monitored and able to be managed in accordance with the Guidance Chart.
- Staff will hold a pre-season meeting with event promoters to discuss expectations regarding how events will be held safely, crowds managed, etc., to avoid, to the greatest extent possible, spreader events.
- The event organizer will be fully responsible to implement and enforce the safe management and holding of special events in full compliance with OHA Guidelines and any City conditions imposed on the Special Event Permit.

viii. *City codes.* To respond to the crisis, and particularly to ease burdens on businesses and service sector workers, the City may relax or adjust enforcement of City codes, including but not limited to parking restrictions downtown and elsewhere in the City, sign code (e.g., allow sandwich boards signs without permits), and other BMC or Bend Development Code (BDC) provisions.

ix. *Permit and other Fees.* The City may in its discretion adjust, waive, or defer permit fees for building modifications or other purposes, business registration fees, or any other City licensing, registration or permit fees and charges, for businesses, agencies, individuals or entities, to facilitate services during this emergency or to ease the financial burden due to the pandemic and public health crisis.

5. Actions taken under the Emergency Order, some of which may continue after expiration but only if Council adopts future appropriate codes to allow as set forth below or a modified form following a public adoption process; or that may be allowed under state law.

i. *Sidewalk and Parking Area Use.* The City may also adjust, suspend or modify enforcement of provisions of the Bend Code and/or Development Code to allow additional space on sidewalks, public or private parking areas, and streets for eligible businesses operations to meet COVID-19 public health guidelines, provide a safer environment for customers and employees during this public health emergency, and to stimulate the recovery and support of local businesses. Eligible businesses are those that can meet the requirements in Sections ii-v below.

ii. *Uses Allowed.* For public sidewalks, this temporary policy may include allowing or creating more space for outdoor dining (extension of seating), or display and circulation on sidewalk areas. The public sidewalk use may be processed as an extension of the existing sidewalk vendor, cafes and furnishings program in BMC Chapter 7.20. Additional public sidewalk locations may be allowed by the City Manager (or designee) to respond to the public health and safety and economic needs of businesses and the public during this public health emergency. The use of public sidewalks will be subject to fire access and ADA compliance and review, any other operational or other requirements developed by the City, and must adhere to state guidelines.

iii. *Private Parking Lots.* Separately, for private parking lots, the same reasons exist to enable use of private parking spaces and lots without strict compliance with site plan review approvals and some code provisions. Under the City Manager's ability to control, restrict, or regulate the sale of goods and services and protect public health and safety during the emergency, a portion of private parking lots may be occupied by eligible businesses for outdoor dining facilities or displays/merchandise if in compliance with guidelines issued by the City. This use is subject to fire access and ADA compliance and review, any other operational or other requirements developed by the City, and must adhere to state guidelines. In addition, the use will be subject to community development department guidance, review and approval. As a temporary, emergency program, it is not intended to include land use approval.

iv. *Street and Public Parking Lot Program for Limited Closing.* For public streets and public parking lots, under the emergency ability to close or limit the use of public streets and other public places (BMC Section 1.60.010(B)), and the authority of the City Manager as Road Authority (BMC Section 6.10.000(8)), the City may consider a program to close all or portions of certain streets, alleys and parking lots in the city for

the same reasons. This program will likewise be guided by fire access, ADA review, parking and traffic control, and other safety and accessibility considerations that arise. Subject to further gathering of business interest and City Council approval, the City will consider the permitting or other City process needed to temporarily close or regulate the use of streets or parking lots during the public health emergency for use by businesses, their customers, and the public.

v. *Compliance Required; No Vesting.* Adjustments or modifications of enforcement of code provisions do not excuse compliance with state or federal laws/regulations, including but not limited to OLCC licensing. Businesses that operate under adjustments or modifications of Bend code provisions must revert to pre-existing requirements and standards once the emergency ends, and will in no way be vested under any of the adjustments or modifications, which are intended to be temporary in nature.

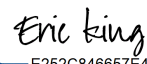
vi. *Transitional Housing.* Pursuant to ORS 446.265, the City may establish on City property or allow a private or public entity to establish on private or public property, transitional housing, which may include yurts, huts, cabins, fabric structures, tents and similar accommodations. The transitional housing operation must be established pursuant to a pilot plan, to be approved by the City, and reviewed by the Police and Fire departments, establishing the total number of units, location of units, spacing, and location for sanitation facilities including portable toilet(s) and portable handwashing station(s). Authorized accommodations at these locations may include recreational vehicles, cars, and tents. The City will work with a non-profit or other entity for case management and/or supervision of the transitional housing; any private or public entity operation must likewise include a non-profit or other entity for case management and/or supervision of the transitional housing. The transitional housing use must cease once this emergency is over, unless otherwise approved or extended, or unless approved to continue under future Council-adopted codes.

vii. *Emergency Shelters.* Providers of emergency shelters may establish a shelter at a site with an approved or established permanent use, where use as an emergency shelter bears an ancillary relationship to the permanent use (e.g., an established church providing alternative shelter as part of its mission or services) with approval from the City and review by the Police and Fire departments. The shelter use must cease once this emergency is over, unless otherwise approved or extended, or unless approved to continue under future Council-adopted codes.

6. *Funding for Recovery and Response to Emergency.* The City will take all necessary steps authorized by law to coordinate the response and recovery of this emergency, including but not limited to, requesting assistance from the Federal Government, State of Oregon and Deschutes County. This includes but is not limited to, all actions necessary to seek reimbursement from any relief package such as the Coronavirus Aid, Relief, and Economic Security (CARES) Act or the HEROES Act. It also includes seeking funding from the recently passed 1.9 trillion COVID-19 Relief Package, known as the American Rescue Plan Act of 2021, and taking any actions necessary to better position the City to continue to provide essential services to families,

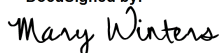
households and businesses in Bend. This could including providing assistance to small businesses, households, hard-hit industries, and economic recovery as well as reimbursement for economic relief for government services.

Dated this 18<sup>th</sup> day of March 2021

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City Manager, City of Bend

Ratified by City Council action on April 7, 2021

Approved as to form:

DocuSigned by:  
  
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City Attorney